

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VNUS MEDICAL TECHNOLOGIES, INC.

No. C-05-2972 MMC

Plaintiff

v.

DIOMED HOLDINGS, INC., et al.,

Defendant


**ORDER DENYING DEFENDANTS'  
MOTION FOR ADMINISTRATIVE RELIEF  
FOR LEAVE TO FILE SUR-REPLY IN  
OPPOSITION TO PLAINTIFFS' MOTION  
TO STRIKE**

Before the Court is defendants' "Motion for Administrative Relief for Leave to File Sur-reply in Opposition to Plaintiff's Motion to Strike the Declarations of Drs. Ted R. Kohler and Mark N. Isaacs and Portions of Defendants' Claim Construction Briefs, or in the Alternative, to Submit Rebuttal Expert Declarations," filed November 17, 2006.

Plaintiff's reply does not raise new issues but, rather, responds to the arguments made in defendants' opposition. Accordingly, defendants' motion for administrative relief is hereby DENIED.

**IT IS SO ORDERED.**

Dated: November 17, 2006

  
MAKINE M. CHESNEY  
United States District Judge